

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

ORIGINAL
FOR RETURN

EQT Production Company

Plaintiff

v.

Austin Caperton, in his official capacity as Secretary of the
West Virginia Department of Environmental Protection

Defendant

Civil Action No. 1:18-cv-72

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Austin Caperton
Cabinet Secretary
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304
(304) 926-0440

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

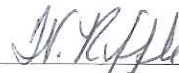
Timothy M. Miller
Babst Calland
300 Summers Street, Suite 1000
Charleston, WV 25301

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Cheryl Dean Riley

CLERK OF COURT

Date: _____



Signature of Clerk or Deputy Clerk

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PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*This summons for *(name of individual and title, if any)* Austin Caperton
was received by me on *(date)* 4/19/18☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or☒ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or☐ I returned the summons unexecuted because _____; or☒ Other *(specify)*:Hand delivered upon Jessica Henson, DEP employee, authorized to accept service for Austin
Caperton, Cabinet Secretary, WVDEP, 601 57th Street, S.E., Charleston, WV 25304My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 4/19/18Amber N. Neeley
Server's signatureAmber N. Neeley
Printed name and title300 Summers St. Suite 1000 Charleston WV
Server's address 25301

Additional information regarding attempted service, etc: